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May 8, 2024

**VIA ECF**

Hon. Judge Lewis J. Liman  
United States District Court, Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312225

Re: Aaron Abadi v. American Airlines, et al  
23 CV 4033 (LJL)

Dear Hon. Judge Liman:

This firm represents the Defendant Center for Emergency Medicine of Western Pennsylvania d/b/a STAT-MD ("Stat-MD"). This letter is being sent after consultation with Plaintiff Aaron Abadi and Co-Defendant Medaire, Inc. by its attorney Barry Alexander.

Mr. Abadi and counsel for the non-airline Defendants, Stat-MD and Medaire have conferred and agreed to the same primary proposal and alternative proposal as expressed in the letter by Mr. Haller on behalf of the Airline Defendants.

For the primary proposal, Mr. Abadi would dismiss his claims against Stat-MD and Medaire without prejudice, with the dismissal becoming automatically with prejudice: (i) in the event Mr. Abadi does not appeal the Court's Opinion and Order dismissing all claims against 17 of the Defendants (ECF 346) within the applicable period for appeal after certification or final judgment; (ii) in the event an appeal is taken but the Decision and Order (ECF 346) is upheld; and (iii) with respect to particular causes of action applicable to similar claims against Stat-MD and Medaire, that are upheld.

Plaintiff Abadi has requested his consent to the proposal be conditioned on the Court granting his Rule 54(b) Motion.

In the alternative, if the primary proposal is not implemented, the following briefing schedule and page limits are proposed on behalf of Mr. Abadi, Stat-MD and Medaire:

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1. Defendants Stat-MD and Medaire to file an omnibus brief limited to forty (40) pages on common arguments in support of their respective Motions to Dismiss within thirty (30) days after the conference;
2. Defendants Stat-MD and Medaire, if necessary, to file briefs limited to eight (8) pages asserting any non-common arguments within thirty (30) days after the conference;
3. Plaintiff Abadi to respond within thirty (30) days to the omnibus brief with a page limit of forty (40) pages;
4. Plaintiff Abadi to respond with thirty (30) days to the individual briefs, if any, submitted on behalf of Stat-MD and Medaire with a page limit of eight (8) pages;
5. Reply Briefs on behalf of Defendants Stat-MD and Medaire to be filed within fourteen days (14) and limited to twenty (20) pages for any omnibus reply and four (4) pages for any individual reply.

We will be present for the May 15, 2024 conference to respond to any questions or concerns with regard to the above proposals.

Respectfully submitted,

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cc: Plaintiff Aaron Abadi (by email)  
Barry S. Alexander, Esq. (counsel for Medaire, Inc. via email)  
All Remaining Counsel of Record